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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,100	08/21/2003	Zahir Saidi	34074.00887LDSE.09.US.CIP	8648

61214 7590 09/15/2010  
Fox Rothschild, LLP  
Elan Pharma International Limited  
997 Lenox Drive, Bldg. #3  
Lawrenceville, NJ 08648

EXAMINER
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SOROUGH, LAYLA

ART UNIT	PAPER NUMBER
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1627

NOTIFICATION DATE	DELIVERY MODE
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09/15/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ZAHIR SAIDI and BORIS KLYASHCHITSKY

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Appeal 2010-011872  
Application 10/019,100  
Technology Center 1600

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Before STEVEN J. BARTLETT, *Division 2 Support Manager*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 31, 2010. A Docketing Notice was mailed on September 15, 2010. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

**REPLY BRIEF NOT CONSIDERED**

A Reply Brief was filed in this application on June 15, 2010. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to consider the Reply Brief filed June 15, 2010, as indicated above;
- 2) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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FOX ROTHSCHILD, LLP  
ELAN PHARMA INTERNATIONAL LIMITED  
997 LENOX DRIVE, BLDG. #3  
LAWRENCEVILLE, NJ 08648